| Application Number | | pplication/Co 0/628,473 | Re | | oplicant(s)/Patent (examination OGINO, TAKAYO | | | |
|----------------------------------|---|----------------------------|----|---|--|--------------------|--|--|
| Document Code - DISQ | | Internal Documer | | | | nent – DO NOT MAIL | | |
| | | | | | | | | |
| TERMINAL DISCLAIMER | ⊠ F | MAPPROVED | | | ☐ DISAPPROVED | | | |
| Date Filed : January 14, 2008 | This patent is subject to a Terminal Disclaimer | | | t | | | | |
| Approved/Disapproved by: | | | | | | | | |
| Henry D. Jefferson | | | | | | | | |
| | | | | | | | | |

U.S. Patent and Trademark Office

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT APPLICATION OF:

Takayoshi TOGINO

SERIAL NO.:

10/628,473

ATTORNEY DOCKET NO.:

009523-0303920

FILING DATE:

July 29, 2003

ART UNIT:

2622

EXAMINER:

Nhan T. TRAN

For:

PORTABLE TELEPHONE WITH PHOTOTAKING OPTICAL SYSTEM, TWO-

DIMENSIONAL DISPLAY AND MAGNIFYING OPTICAL SYSTEM

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION (37 C.F.R. Section 1.321(c))

Identification of Person(s) Making This Disclaimer

I, E. R. Hernandez, represent that I am the attorney of record.

FXTENT OF DISCLAIMANT'S INTEREST

The extent of the interest in this invention that the disclaimant owns is in the whole of this invention.

DISCLAIMER (Provisional Obviousness-Type Double Patenting Rejection Over A Patent)

Petitioner hereby disclaims, except as provided below, the terminal part of any patent granted on the instant application, which would extend beyond the expiration date of U.S. Patent No. 6,633,337, issued October 14, 2003,and U.S. Patent No. 5,893,037, issued April 6, 1999, as shortened by any terminal disclaimer. Petitioner

Terminal Disclaimer U.S. Patent Application No. 10/628,473 Attorney's Docket: 009523-0303920

hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. Sections 154 to 156 and 173 of U.S. Patent Nos.:

6,633,337

5,893,037

in the event that it either later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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DISCLAIMER FEE (37 C.F.R. Section 1.20(d))

Other than a small entity--fee \$130.00.

FEE PAYMENT

Charge Deposit Account No. 033975 the sum of \$130.00.

Date: January 14, 2008

PILLSBURY WINTHROP SHAW PITTMAN LLP P.O. Box 10500 McLean, VA 22102 Tel. No. 703.770.7788

Customer Number: 00909

E. R. Hernandez Registration No. 47,641

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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6,633,337

in the event that it either later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. Section 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

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DISCLAIMER FEE (37 C.F.R. Section 1.20(d))

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FEE PAYMENT

Payment to the sum of \$130.00 was made with the filing of Terminal Disclaimer on January 14, 2008.

Date: January 15, 2008

PILLSBURY WINTHROP SHAW PITTMAN LLP P.O. Box 10500 McLean, VA 22102 Tel. No. 703.770.7788

Customer Number: 00909

E. R. Hernandez

Registration No. 47,641

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T.D. INFORMAL MEMO: DO NOT MAIL THIS MEMO TO APPLICANT

| Date: | | | 17-Jan-08 | APPL. S. N: | 10628473 | | | | | | |
|---|--------------------|--|---|---|---------------------------------|--|--|--|--|--|--|
| To Exam | iner: | | TRAN, NHAN | Art Unit | 2615 | | | | | | |
| From | | | Jefferson, Henry PARALEGAL SPCECIALIST | Return This Memo To: Case Drop-Off Location | JEF-2D68 | | | | | | |
| SUBJEC | T: Decision | on on Ter | minal Disclaimer(T.D.) filed: | | | | | | | | |
| form par | agraphs i | dentified | viewed the submitted T.D. with the by this informal memo in your nex ase see me or the Special Program ED TO APPLICANT OR (2) PLACED C | t Office action to notify applicant o Examiner. THIS IS AN INFORMAL, | of the T.D. If you disagree | | | | | | |
| please ir | itial, date | and retu | urn this memo to me. THANK YOU. | | | | | | | | |
| <u> </u> | The T.D. | is PROPE | ER and has been recorded (see 14.2 | 23). | | | | | | | |
| <u> </u> | The T.D. | is NOT P | ROPER and has not been accepted | for the reason(s) checked below (| see 14.24): | | | | | | |
| | | The TD | fee of has not been submideposit account | itted nor is there any authorization | in the application file for the | | | | | | |
| | | his/her | . does not satisfy Rule 321 in that t interest (and/or the extent of the in oplication/patent (see 14.26 & 14.2 | nterest of the business entity repre | | | | | | | |
| | Γ | | The T.D. lacks the enforceable only during common ownership clause – needed to overcome a non-statul louble patenting rejection, Rule 321(b) (see 14.27.01). | | | | | | | | |
| The T.D. is directed to a particular claim(s), which is not acceptable since "the disclaimer mu portion of the term of the entire patent to be granted" (MPEP 1490) (see 14.26 & 14.26.02). | | | | | | | | | | | |
| | Γ. | The person who signed the T.D.: | | | | | | | | | |
| | | is not an attorney "of record" (see 14.29 and 14.29.01). | | | | | | | | | |
| | | | ee 14.28). | | | | | | | | |
| | | | is not recognized as an officer of the assignee (see 14.29 & possible 14.29.02). | | | | | | | | |
| | Γ | No documentary evidence of a chain of title from the original inventor(s) to assignee has been submitted, nor is the reel and frame number specified as to where such evidence is recorded in the Office (see 37 CFR 3.73(b) and 1140 O.G. 72). NOTE: This documentary evidence or the specifying of the reel and frame number may be found in the T.D. or in a separate paper of record in the application (see 14.30). | | | | | | | | | |
| | Γ | The T.D | T.D. is not signed (see 14.26 & 14.26.03). | | | | | | | | |
| | Γ. | | erial number of the application (or the number of the patent) which forms the basis for the doub nting rejection is missing or incorrect (see 14.32). | | | | | | | | |
| | | | The serial number of this application (or the number of the patent in reexam or reissue cases being disclaimed is missing or incorrect (see 14.26, 14.27.02 or 14.26.05). | | | | | | | | |
| | | The peri | od disclaimed is incorrect or not sp | ecified (see 14.26, 14.27.02 or 14 | .26.03). | | | | | | |
| | | Other: | | | | | | | | | |
| | F | Suggestion to request refund (see 14.36). NOTE: If already authorized, credit refund to deposit account and do not check this item. | | | | | | | | | |
| I have a | opropriate | ely notifie | d applicant(s) of the status of the | Terminal Disclaimer filed in this cas | se. | | | | | | |
| Ex.Initial | s: | | Date: | | Log Date: | | | | | | |